

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:12-cv-000047-MR**

**MICHAEL MELLENTHIN and ANNE
MELLENTHIN,**

Plaintiffs,

vs.

**WELLS FARGO BANK, N.A. and
ELIZABETH MADDEN,**

Defendants.

ORDER

THIS MATTER is before the Court on the Defendants' Motions to Dismiss [Docs. 10, 14].

The facts, legal issues, and causes of action asserted by the parties in the present matter are substantially similar to those in the cases of Beritelli, et al. v. Wells Fargo Bank, N.A., et al., No. 1:11-cv-00179-MR (W.D.N.C.), and Boydell, et al. v. Wells Fargo Bank, N.A., et al., No. 2:12-cv-00035-MR (W.D.N.C.), and the same attorneys appear on behalf of the Plaintiffs in each of these actions. Even though these cases have not been consolidated, and were in fact previously severed [see Civil Case No. 1:11-

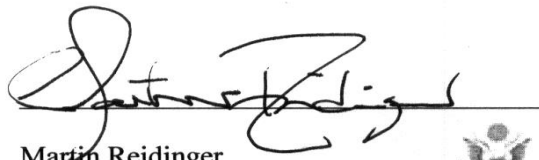
cv-00179-MR, Doc. 83], the Orders of this Court previously entered in Beritelli and Boydell address and dispose of all of the issues raised by the motions currently before the Court in this matter. The Orders in Beritelli and Boydell, therefore, are incorporated herein, and the current motions will be disposed of in accord therewith.

ORDER

IT IS, THEREFORE ORDERED that the Defendants' Motions to Dismiss [Docs. 10, 14] are **GRANTED IN PART** and **DENIED IN PART**. Specifically, with respect to the Plaintiffs' claim for negligent misrepresentation, the Motions to Dismiss [Docs. 10, 14] are **GRANTED** and this claim is **DISMISSED**. In all other respects, the Motions to Dismiss [Docs. 10, 14] are **DENIED**.

IT IS SO ORDERED.

Signed: September 30, 2013


Martin Reidinger
United States District Judge

